

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	8:13CR273
	)	
Plaintiff,	)	
	)	
v.	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
CHET LEE WEST,	)	
	)	
Defendant.	)	

This matter is before the court on Magistrate Judge Thalken’s findings and recommendation. (Filing [37](#).) Defendant has filed two objections to the findings and recommendation. (Filings [44](#) and [45](#).) The magistrate recommends that defendant’s motion to vacate (filing [36](#)), liberally construed as a motion to dismiss, be denied.

I have conducted a de novo review of the record. I find that inasmuch as the magistrate judge has fully, carefully, and correctly found the facts and applied the law, the magistrate judge’s findings and recommendation should be adopted and defendant’s motion to vacate, liberally construed as a motion to dismiss, should be denied.

In one of defendant’s objections, he includes a section titled “Motion to Suppress.” (Filing [44](#) at CM/ECF pp. 4-9, 16-31.) In that section, defendant asks the court to suppress “all information received as a result of the Form 2039 Summons sent out in reference to this matter.” (*Id.* at CM/ECF p. 9.) I have carefully reviewed defendant’s request and will deny it.

Also pending is plaintiff’s motion for a rule 17.1 hearing. (Filing [47](#).) In the motion, plaintiff states that defendant has indicated to plaintiff’s counsel that if his pending objections and motions are not granted, he will seek a continuance. (*Id.*) Plaintiff asks the court to schedule a hearing in an effort to promote a fair and expeditious trial. (*Id.*) I will grant plaintiff’s request as set forth below. Accordingly,

IT IS ORDERED that:

1. The magistrate judge's findings and recommendation (filing [37](#)) is adopted.
2. Defendant's motion to vacate (filing [36](#)), liberally construed as a motion to dismiss, and defendant's objections (filings [44](#) and [45](#)), are denied in all respects.
3. Defendant's request to suppress evidence (filing [44](#)) is denied.
4. Plaintiff's motion for a rule 17.1 hearing (filing [47](#)) is granted.
5. A telephonic hearing in this matter is scheduled for Tuesday, March 18, 2014, at 1:00 p.m. central.
6. Defendant and plaintiff's counsel shall provide the undersigned's judicial assistant (at 402-437-1640) with the telephone numbers that the courtroom deputy should call the day and time of the hearing.

DATED this 5<sup>th</sup> day of March, 2014.

BY THE COURT:

*Richard G. Kopf*  
Senior United States District Judge

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